IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30214 of 2007(V)

OPMV.1370/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOLLAM

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PETITIONER:

ANTONY RAJ,
S.M.A.MANZIL, SREENARAYANAPURAM,
VADAKKEVILA P.O., KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR
SRI.C.ARUN

RESPONDENTS:

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1. U.M.ABBAS, S/O K.MUHAMMED,
M/S ULLAL FISHERIES, NEW SOUTH WARF, BUNDAR,
MANGALORE.

2. ABDUL SHEREEF, S/O USMAN,
PALLIBETTU HOUSE, MALLOOR P.O., MANGALORE.

3. NATIONAL INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, CENTRAL MARKET,
MANGALORE- 575001.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P. C. No. 30214 OF 2007 V
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Dated this the 11th October, 2007

J U D G M E N T

Ext. P2 is an award passed by the M.A.C.T., Kollam, in favour of the petitioner. It is submitted that out of the amount awarded, an amount of Rs.2,65,627/- is still available in deposit. Producing Ext. P3 communication from a private bank the petitioner filed Ext. P4 application for release of the balance amount. In Ext. P4 it has been stated that he has to repay a loan of Rs.4,16,705/- mentioned in Ext. P3 and in order to do the same, he wanted release of the amount that is available in deposit now. This has been rejected by Ext. P5 order of the Tribunal and hence this writ petition.

2. On a reading of Ext. P5 it can be seen that the Tribunal has not given any reason for rejecting the request except stating that the need alleged does not support bonafides. I fail to appreciate the reasoning of the Tribunal. In Ext. P3 he has in clear terms stated that he has to immediately discharge the

liability as indicated. In its anxiety to reject the petitioner's request the Tribunal stated that the request lacks bonafides. I am not in a position to sustain the reasoning of the Tribunal. In any case, when the petitioner has stated good reasons for withdrawal of the deposit the Tribunal should not have taken a technical approach to the matter. For these reasons, Ext. P5 will stand quashed and the M.A.C.T., Kollam is directed to disburse the amount available in deposit as expeditiously as possible.

ANTONY DOMINIC
JUDGE

jan/-